

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Joseph W Wade

Write the full name of each plaintiff.

-against-

New York State Department of State

Office of Planning, Development and Community Infrastructure

Write the full name of each defendant. The names listed
above must be identical to those contained in Section I.

____ CV ____
(Include case number if one has been
assigned)

Do you want a jury trial?

☐ Yes ☒ No

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

Type text here

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Joseph	W	Wade
First Name	Middle Initial	Last Name
9 Pinehurst Avenue		
Street Address		
New York, New York	NY	10033
County, City	State	Zip Code
1-201-983-3009	owlcontract@gmail.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	NYS DOS Office of Planning, Development and Community Infrastructure		
	Name		
	One Commerce Plaza		
	Address where defendant may be served		
	Albany, Albany	NY	12210
	County, City	State	Zip Code
Defendant 2:			
	Name		
	Address where defendant may be served		
	County, City	State	Zip Code

Defendant 3:

Name

Address where defendant may be served

County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:
NYS DOS Office of Planning, Development and Community Infrastructure

Name

One Commerce Plaza

Address

Albany, Albany

NY

12210

County, City

State

Zip Code

III. CAUSE OF ACTION

A. Federal Claims

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☒ race: different terms and conditions
- ☒ color: different terms and conditions
- ☐ religion: _____
- ☒ sex: different terms and conditions
- ☐ national origin: _____

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: _____

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: _____

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☐ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☐ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☒ did not hire me
- ☐ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☐ retaliated against me
- ☐ harassed me or created a hostile work environment
- ☐ other (specify): _____

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

The NYS Office of Planning, Development and Community Infrastructure publicly published the criteria and rubric for a major state contract.

Consultant RFP #22-DRINYF-20.

This rubric limited, segregated, and classified applicants for employment in such a way deprives applicants of employment and otherwise affects status for employment because of race, color and sex. It outright discriminates against individuals in respect to compensation, terms, conditions, and privileges. Solely, because of my race and gender different standards and practices were set.

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

- ☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? May 3, 2023

- ☐ No

Have you received a Notice of Right to Sue from the EEOC?

- ☐ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? _____

When did you receive the Notice? _____

- ☒ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

- ☐ direct the defendant to hire me
- ☐ direct the defendant to re-employ me
- ☐ direct the defendant to promote me
- ☐ direct the defendant to reasonably accommodate my religion
- ☐ direct the defendant to reasonably accommodate my disability
- ☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

\$28,000,000

After tax this would be around \$16,000,000. This is the SBA limit for a small business.

It is above this limit that in theory a firm is truly competitive in the market. Assuming my firm is above this size is the NYS DOS justification for the discriminatory rubric.

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

06/02/2023		<u>Joseph W. Wade</u>	
Dated		Plaintiff's Signature	
Joseph	W	Wade	
First Name	Middle Initial	Last Name	
9 Pinehurst Avenue 2c			
Street Address			
New York, New York	NY	10033	
County, City	State	Zip Code	
1-201-983-3009	owlcontract@gmail.com		
Telephone Number	Email Address (if available)		

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Joseph Wade
9 Pinehurst Avenue
New York, NY 10033
owlcontract@gmail.com
1-201-983-3009
06/02/2023

Joseph Wade v.
NYS DOS Office of Planning, Development, Community Infrastructure
Case No:

Court: Southern District of New York

MEMORANDUM OF LAW CASE FACTS

- (1) On December 13, 2022, Mr. Joseph W Wade, owner of Owl Contracting LLC was informed the firm was not selected for award of a public contract.
- (2) The New York State Department of State, Office of Planning, Development, and Community Infrastructure solicited requests for proposals with the following publicly published document, New York State Department of State's Downtown Revitalization Initiative and New York Forward Consultant RFP #22-DRINYF-20.
- (3) Evaluations and grading rubrics are described within the same document.
- (4) Mr. Wade of Owl Contracting claims that the evaluation procedures and grading rubrics do not constitute a bona fide selection process because it regards characteristics such as race, gender, and color.
- (5) Mr. Wade claims the NYS DOS, Office of Planning, Development, and Community Infrastructure is in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2(a)(2) and 42 U.S.C. §§ 2000e-3(b).
- (6) Mr. Wade is suing for \$28,000,000 in damages and relief.

Joseph Wade
9 Pinehurst Avenue
New York, NY 10033
owlcontract@gmail.com
1-201-983-3009
06/02/2023

Joseph Wade v.
NYS DOS Office of Planning, Development, Community Infrastructure
Case No:

Court: Southern District of New York

MEMORANDUM OF LAW PERSONAL STATEMENT REGARDING CLAIMS

I Joseph W. Wade, operate a consulting and contracting company, Owl Contracting LLC. Over the past 15 years my jobs have mostly consisted of short term (hourly) contracts and private micro purchases. In an attempt to grow myself and my business I began searching for public contracts in New York State.

I found the systems of New York's procurement systems to be comprehensive and user friendly. If I may note shortly the impressive efficiency in which online portals facilitate NY state administration and community engagement. Although, a specific case of which I have found to be directed in an immoral and unlawful way.

It is against the NYS DOS administrative standards and practices that make a claim. I have found the procurement offices of New York State to be rife with policies and procedures unbecoming of its station. Policies and practices in complete disregard of Federal Law, outrightly highlighted in publicly published contracts, applications, and contracts. This was at first astounding, stunning in a way only naivety can produce.

Slowly that feeling hardened into sorrow as the hazy shadows of these policies became clear. At every turn, on every level, I am being asked to define my race, my class, my gender. These are characteristics that have long been deemed unsubstantial, impertinent, manipulations of such proven antithetical to any worthy goal. Even to the degree that 80 years ago our federal government made it illegal to regard these characteristics in all public domains. The bench mark legislation that defines the highest spirit of blind American justice, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17.

The current policies I have encountered in New York do not reflect this spirit. Instead, they have taken on a Frankenstein like quality. A once functional, fair, and honest quest for value, sliced apart and mixed together with speculative chunks of ideological agenda. Being an honest hard-working American, I wholly believe in the ideals of fairness and equality which allowed New York in particular to benefit. This is why I feel I must act. Not just for my own interests but, for the interests of others who might also be crushed by these unlawful administrative policies.

The "New York State Department of State's Downtown Revitalization Initiative and New York Forward Consultant RFP #22-DRINYF-20" has become the target of my claim for sole reason that it must be held to the highest standard. It is an example of American commerce and development at the highest level. A large public opportunity, disseminated by the one of highest offices of state.

It is my assumption that the procurement document, #22-DRINYF-20, and procedure within, should be a shining example of the fair and just American spirit, our impartial empire manifest. In theory, a truly Bona-fide process that delivers the highest and best value to the tax payers New York. I would also expect this to be the assumption and demand of the rest of my fellow citizens, most importantly the agency hands at the wheel.

This is not the case. Under the framework published and followed by the NYS DOS for Consultant RFP, #22-DRINYF-20, it is impossible for my firm, Owl Contracting LLC, a small American business, to receive a perfect score of 100 points under my own volition. Even if my firm was a perfect fit for the contract, scoring the highest quality points, Owl Contracting would still need to pledge a percentage of profits to another firm. For reasons of my race, color and gender, the highest score I can receive without pledging profits to another is 98 out of 100. A clear and transparent biased against, not my content of my character or quality of qualification, but my physical characteristics.

This unlawful limitation, segregation and classification with respect to the compensation, terms, conditions and privileges of employment severely deprive me as well as all Americans of opportunity and status. Allowing bigotry and racist agenda to direct the actions or policy of our state offices is immoral. Tolerating the unelected administrators who wish to categorize and discriminate against New Yorkers is unacceptable. Separate is inherently unequal, a phrase that has appeared to have been forgotten in Albany. Neutral State administrative policies are necessary for business. Common shared infrastructure is required for the American standard of living. This is not the playground racist dogmatists. Yet, in the past few years I have not only found it to be the norm but, have watched as it became the environment.

It is in the face of this I flee to the courts. To the keepers of the scales and purveyors of wrath. To the honored judiciary, I make a plea for aid. I claim that this instance of un-American bigotry has caused me damage. Loss in terms of money, opportunity and experience but most importantly loss in faith. A persons' confidence and trust in concepts like fair trade or honest gainful employment are the drivers of production and fortune. To have not found these concepts embodied at the highest levels of state government is not only devastating to me professionally, but personally. This may be cliché, but the immigrant songs of the American Dream ring as true in the ears of my generation as in generations past. If we are to truly champion the ideas of universal human rights and equal opportunity, we must act when these morals are tainted. To allow a blatant infringement of rights to go unchecked or unpunished is licensure for perpetrators to grow bolder, push farther, become more steadfast in the bigoted principles. Ethics that have long since been enemy of a peaceful America.

Once again, in this spirit, I plea for a judgment to my claim. A plea for relief from bias. Validation that my government has the values I was led to believe in. Fairness, Equality and Justice for all.

Joseph W. Wade
Plaintiff, *Pro Se*

6.2 Evaluation Criteria

6.2.1 Technical Proposal Evaluation (78 points)

An Evaluation Panel composed of individuals from DOS will evaluate technical proposals. The final technical score for each proposal will be derived by averaging the raw technical score from each reviewer, carried out to two decimal places, to arrive at the final technical score.

Proposals must score a minimum of 55 points on the Technical Evaluation to be eligible for an award under this procurement.

Technical Proposal Evaluation Factors

- (1) Executive Summary and Experience (24 points): Proposals will be evaluated based on the degree to which they demonstrate experience with the preferred qualifications listed in Section 1.7, either by the lead applicant or their assembled team. Proposals will also be evaluated based on demonstrated successful experience in complex community planning activities having objectives and operating conditions similar to those described in this RFP.
- (2) Capacity to Perform Services (22 points): Proposals will be evaluated on the degree to which it is evidenced there is qualified staff in sufficient numbers that can be assigned and deployed immediately to the tasks described herein and to bring the project(s) to a timely conclusion. In addition, the scoring committee will take into account:
 - a. The proposed team structure, showing how each sub-consultant will work on the team to fulfill the Scope of Services, distinguishing the roles, responsibilities and commitment of each team member.
 - b. The resumes of all person(s) who will be assigned work pursuant to this RFP (through the lead applicant and their assembled team), showing qualifications, educational background, professional accreditation, training and experience.
 - c. The number of projects applied for, as well as the ability to assemble teams in multiple regions. Note, DRI will include one community annually, NYF will include up to three smaller, more rural communities annually.
 - d. Functional Titles, as listed in Section 5.5.2, under which each staff member listed on the organization chart are categorized.
 - e. Percentage of effort proposed for each team member.
- (3) Technical Approach and Methodology (32 points): Proposals will be evaluated on the quality and completeness of the proposed approach to accomplishing the tasks and deliverables as described in the Scope of Services in this RFP. Proposals will also be evaluated on the timeline provided for the project showing the ability to complete the project within the allotted timeframe. In addition, the scoring committee will take into account:
 - a. the Proposer's description of how their technical approach may vary depending on the size, location and other key characteristics of each downtown area, the capacity of the community, and the program (DRI or NYF).

- b. the Proposer description of their ability and intent to utilize innovative and varied approaches and techniques for accomplishing the objectives of this program, in terms of strategies for downtown revitalization, inclusive public engagement, local capacity-building and transferability that can vary depending on the needs of any particular downtowns.

6.2.2 Cost Proposal Evaluation (20 points)

The evaluation and scoring of the costs will be determined independently by DOS' Bureau of Fiscal Management. The Proposer with the lowest overall total project cost in each Region for each Program must receive the maximum number of points awarded for the cost component (20 points). The other Proposers will receive a proportional score using the following formula:

$a = (b/c) \times 20$, where:

- b = lowest cost score;
- c = total cost for the Proposer being scored;
- a = normalized cost score for the Proposer being scored; and
- 20 = total cost points

6.2.3 Diversity Practices Questionnaire (2 points)

The Diversity Practices Questionnaire will be scored in accordance with the established matrix.

6.3 Method of Award

This is a competitive procurement that will result in several contracts to perform services as stated in Section 2 of this RFP. The method of award is best value, which takes into consideration cost as well as technical or non-cost factors.

Each evaluator's individual technical scores will be averaged and carried out to two decimal places to arrive at a final technical score. Technical scores will then be combined with the cost score to arrive at an overall score. Technical scores will account for 80% and cost will account for 20% of the total score. DOS will make the awards based on the highest overall score for each program in each region. Awards will be made to the highest scoring proposer in each Program/Region based on overall ranking and availability. In the event that the awarded Proposer is unavailable or does not have the capacity to take on the project in their awarded Program/Region in future years, DOS may contract with the next highest scoring Proposer who is available and has the capacity to take on the project. All decisions by the State regarding firm capacity are final.

6.4 Evaluation Criteria

Notification of Award

After the evaluation, all Proposers will be notified of the names of the selected Proposer selected for each program and region. The selected Proposers will be notified that their submitted proposal has been

tentatively selected and that a contract will be forthcoming for execution. The original proposal, and any additions or deletions to the proposal become part of the contract.

Public announcements or news releases pertaining to any contract resulting from this RFP shall not be made without prior approval from the issuing office.

7. ADMINISTRATIVE INFORMATION

7.1.1 Confidentiality

Internal drafts of DOS documents must be treated as confidential. In addition, documents obtained and/or produced during the course of the successful Proposer's work under the contract shall be designated as "confidential" or "trade secret."

All individuals performing work under the contract may be required to sign a "confidentiality agreement" that will preclude anyone from revealing or utilizing the information contained in a confidential/trade secret document in connection with any activity other than work under the contract. A sample confidentiality agreement is included here as Attachment 14.

Confidential documents will only be available to individuals on a need-to-know basis, are to be kept and used in a secure setting and cannot be copied. Contractor acknowledges that failure to keep records confidential in accordance with the confidentiality agreement and as otherwise required by the State will be punishable to the fullest extent of the law. Any breach of confidentiality will be deemed to be a breach of contract.

7.1.2 Consultant Assurances

The successful Proposer(s) must agree that it will perform its obligations under the contract in accordance with all applicable Federal, State and local laws, rules and regulations now and hereafter in effect.

The successful Proposer(s) must warrant and affirm that the terms of the RFP, its proposal, and any resulting contract do not violate any contracts or agreements to which it is a party and that its contractual obligations will not adversely influence its ability to perform under the contract.

7.1.3 Subcontracting

Before any part of the contract shall be sublet, the Contractor shall submit to DOS in writing, the name of each proposed subcontractor and obtain written consent to utilize such subcontractor. The names shall be submitted in ample time to permit acceptance or rejection of each proposed subcontractor without causing delay in the work of this contract. The Contractor shall promptly furnish such information as DOS may require concerning the proposed subcontractor's ability and qualifications.

The Contractor's use of subcontractors shall not diminish the Contractor's obligations to complete the work in accordance with the contract. The Contractor shall coordinate and control the work of the subcontractors.



Owl Contracting <owlcontract@gmail.com>

Response: Your Civil Rights Division Report - 278595-GWF from the Employment Litigation Section

1 message

DOJ Civil Rights - Do Not Reply <civilrightsdonotreply@mail.civilrights.usdoj.gov>
Reply-To: civilrightsdonotreply@mail.civilrights.usdoj.gov
To: owlcontract@gmail.com

Mon, Apr 10, 2023 at 12:37 PM



U.S. Department of Justice
Civil Rights Division

| civilrights.justice.gov

Dear Joseph Wade,

You contacted the Department of Justice on April 8, 2023. After careful review of what you submitted, we have decided not to take any further action on your complaint.

What we did:

Team members from the Civil Rights Division reviewed the information you submitted. Based on this information, our team determined that the federal civil rights laws we enforce do not cover the situation you described. Therefore, we cannot take further action.

Your report number is 278595-GWF.

What you can do:

Your issue may be covered by other federal, state, or local laws that we do not have the authority to enforce. We are not determining that your report lacks merit.

Your state bar association or local legal aid office may be able to help with your issue even though the Department of Justice cannot.

To find a local office:

American Bar Association

https://www.americanbar.org/groups/legal_services/flh-home

(800) 285-2221

Legal Services Corporation (or Legal Aid Offices)

<https://www.lsc.gov/find-legal-aid>

(202) 295-1500

Thank you for taking the time to contact the Department of Justice about your concerns. We regret that we are not able to provide more help on this matter.

Sincerely,

U.S. Department of Justice
Civil Rights Division

Contact

civilrights.justice.gov



U.S. Department of
Justice
Civil Rights Division
950 Pennsylvania
Avenue, NW
Washington, D.C.
20530-0001



(202) 514-3847
1-855-856-1247 (toll-free)
Telephone Device for the
Deaf
(TTY) (202) 514-0716



Owl Contracting <owlcontract@gmail.com>

We've received your submission

1 message

The NYS Division of Human Rights <no-reply@mail.forms.ny.gov>

Wed, May 3, 2023 at 2:23 PM

Reply-To: "info@dhr.ny.gov" <info@dhr.ny.gov>

To: owlcontract@gmail.com

Dear Joseph,

Your submission has been received by the NYS Division of Human Rights. You will receive further communication from DHR, via mail or email, detailing next steps within 45 days. Please collect any documents, emails, records, or evidence relevant to your complaint and be ready to provide them to our investigators at that time.

If you have further questions about the complaint process, please feel free to email us: info@dhr.ny.gov

Thank you for your time,

The NYS Division of Human Rights

dhr.ny.gov

888-392-3644

**New York State Division of Human Rights Complaint Form_05032023_1683135301_64529b4578b482.42785752.pdf**

32K

New York State Division of Human Rights Complaint Form

Individual filing the complaint

Please provide the information requested below.

First Name

Joseph

Middle Initial

Last Name

Wade

Street Address

9 Pinehurst Ave

City

New York

State

NY

Zip

10033

Are you completing this form for someone else?

No

Your complaint

Jurisdiction

Employment

Employment

Please specify where the discrimination occurred

Contract Work (independent contractor, or work for a contractor)

Are you currently working for the employer you are filing against?

I was never hired

Date of application

12/13/2022

Position held or applied for

Consultant

For employment and internships, how many employees does this person/company have?

20 or more

Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

Discriminatory advertisement or inquiry or job application

Basis

Basis of alleged discrimination in employment:

Gender Identity or Expression (actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender; complaints involving the need for accommodation of gender dysphoria or other related medical condition can also be filed under disability)

Race/Color (because you are Asian, Black, White, etc.; includes ethnicity; includes traits historically associated with race such as hair texture or hairstyle)

Sex (because of your gender, includes sexual stereotyping, sexual harassment, pregnancy)

Please specify sex:

male

Please specify race/color:

white

Please specify gender:

male

You are filing a complaint against

Entity that discriminated against you:

Name of entity

Department of State, Office of Planning, Development and Community Infrastructure

Street Address

One Commerce Plaza

City

Albany

State

NY

Zip

12231

In what county or borough did the violation take place?

Albany

Phone Number

5184869540

Email address

OPD@dos.ny.gov

Fax Number

Company Website

dos.ny.gov

Please provide the name, last name, and title of individual people who discriminated against you.

David Ashton, Program Director
Community & Economic Development Initiatives
Office of Planning, Development and Community Infrastructure

Please provide the email addresses of individual people who discriminated against you.

Catherine Traina, NYS Department of State
Laurissa Garcia, NYS Department of State

Date of the most recent act of alleged discrimination

12/13/0222

Description of discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and other details. You must explain why you think these acts were discriminatory and how these acts are connected to the protected class (race, color, sex, disability, etc.) you selected previously.

The New York Department of State's, Office of Planning, Development and Community Infrastructure, has failed to maintain hiring practices based upon a bona fide merit system, in violation of Title VII of the Civil Rights Act, As Amended and U.S.C 42 sec. 2000e-2 (a)(2).

December of last year I, as sole proprietor of my firm, Owl Contracting, applied to the NYS DOS RFP #22-DRINYF-20 Downtown Revitalization Initiative and New York Forward Consultant RFP. The application framework, being a publicly published document, fails to meet the standards of a bone fide merit system.

It limits, segregates and classifies applicants in a way that adversely affects and deprives me of employment, because of my race, color and sex. This discrimination in respect to my compensation, terms, conditions and privileges I believe to be unlawful under Title VII of the Civil Rights Act, sec 703(a)(1), 703(a)(2), 704(b) and U.S.C. 42 sec. 2000e-2 I was not awarded the DRINYF contract.

Supporting Documentation

final dri nyf rfp 0.pdf

Declaration

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

Please initial:

JW

I affirm under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Joseph Wade

Enter today's date.

05/03/2023

Additional information

Your contact information

Email Address

owlcontract@gmail.com

Phone Number

2019833009

Mobile Phone

Special needs

I am in need of:

I do not need any special accommodations

Settlement/Conciliation

To settle this complaint, I would accept:

Under these hiring practices, I and my firm have become artificially uncompetitive solely based my race, sex, and gender. I desire monetary compensation to alleviate the unfair burden and anguish placed upon me and my firm.

Prior complaint

Did you report or complain about the discrimination to someone else?

Yes

Date you reported or complained about discrimination:

04/08/2023

How exactly did you complain about the discrimination? (To whom did you complain?)

DOJ civil rights

If you have already filed this complaint with another agency, please provide the complaint/charge number associated with that complaint.

278595-GWF

Other information

Were other people treated the same as you? How?

under the frame work of the RFP it is impossible for me to acquire a perfect score because of my race, sex, and gender